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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,367	08/28/2001	Aleta Ricciardi	SYN006-152991-5	5033

7590 06/02/2004

Stuart D. Rudoler  
Wolf, Block, Schorr and Solis-Cohen LLP  
1650 Arch Street  
Philadelphia, PA 19103-2097

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4

<b>Office Action Summary</b>	<b>Application No.</b> 09/940,367	<b>Applicant(s)</b> RICCIARDI, ALETA	
	<b>Examiner</b> Lewis A. Bullock, Jr.	<b>Art Unit</b> 2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.  
     4a) Of the above claim(s) 13-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/11/03; 9/21/01</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-12 are, drawn to handling transition in groups of services via a proxy, classified in class 719, subclass 330.
  - II. Claims 13-26 are, drawn to intercepting and storing commands during transition of services via a proxy, classified in class 719, subclass 312.
  - III. Claims 27-36 are, drawn to switching group modes via group agents, classified in class 719, subclass 317.
  - IV. Claims 37-44 are, drawn to sending commands from an initial group of services to an outside group of services, classified in class 719, subclass 313.
  - V. Claims 45-54 are, drawn to testing a new service in parallel with the old service, classified in class 717, subclass 170.
  - VI. Claims 55-62 are, drawn to bundling and grouping services having group modes between different clients via a grouping agent, classified in class 717, subclass 174.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I, Group II, Group III, Group IV, Group V and Group VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions Group I-VI have separate utility such as intercepting and

storing commands during the transition, switching group modes via group agents, sending commands between an internal and external group, testing new services in parallel with the old services, and bundling and grouping services having group modes between different clients via a grouping agent. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, different search, and recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Stuart Rudoler on 5/21/04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-62 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Specification***

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

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disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over COLYER (U.S. Patent 5,903,725).

As to claim 1, COLYER teaches a method of handling a transition in a group of services (server malfunction and rebooted) in a distributed computing application (col. 3, line 42 – col. 4, line 53) comprising the steps of: determining the need for the transition (via server malfunction and subsequent contact to all of these clients / via a method call using the invalid proxy returning an exception); determining a correct group proxy shell (proxy 455) and service proxies (alternative proxies 457) for the transitioned group (new services due to server malfunction); and updating a group proxy (proxy 449), the group proxy being associated with a client (client application) that calls the group, so that the group proxy contains the correct group proxy shell (proxy 455) and service proxies (alternative proxy 457) (fig. 8 and 9; col. 13, line 5 – col. 14, line 27). It would be

obvious to one of ordinary skill in the art that since the proxy object 449 comprises the proxy 455 and alternative proxy 457 that the proxy object is a proxy group.

As to claim 2, COLYER teaches the transition is a fail-over from one service to another service (server malfunction therefore proxies need to be updated with correct information) within the group or the removal of a service from the group (client does not need the third proxy) (col. 13, line 5 – col. 14, line 27).

As to claim 3, COLYER teaches a plurality of clients (client applications) that call the group (proxy 449), each client having its own instance of the group proxy associated with it, and the updating is performed for the group proxy of each client that calls the transitioning group (col. 7, line 52 – col. 8, line 11).

As to claim 4, COLYER teaches the step of updating the group proxy (proxy 449) is comprised of deleting at least one service proxy or swapping a group proxy shell (col. 13, line 5 – col. 14, line 27).

As to claim 5, COLYER teaches the group is a coordinator cohort group (via controls access to the server object) (col. 13, line 5 – col. 14, line 27).

As to claim 6, COLER teaches the steps of: deregistering the group (proxy object) from a lookup service (via remove proxy object); and after the transition is

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complete, registering the group, along with the updated group proxy, with the lookup service (refresh proxy object) (col. 10, line 36 – col. 11, line 7).

As to claims 7-12, reference is made to a computer readable medium that corresponds to the method of claims 1-6 and is therefore met by the rejection to claims 1-6 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

